

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

One Ashburton Place: Room 503
Boston, MA 02108
(617) 727-2293

IAN HONAN,
Appellant
v.

**HUMAN RESOURCES
DIVISION,**
Respondent

Case No.: E-14-54

**DECISION ON HRD'S MOTION FOR RELIEF UNDER
CHAPTER 310 OF THE ACTS OF 1993**

On April 30, 2011, Ian Honan (Mr. Honan) took and passed the civil service examination for police officer. As a result, his name appeared on an eligible list, established by the state's Human Resources Division (HRD) on November 1, 2011, for the position of Quincy police officer.

On September 18, 2013, HRD issued Certification No. 01170 to the City of Quincy (City) to select eighteen (18) permanent police officers. Mr. Honan's name appeared on this Certification. As a veteran, his name appeared above all non-veterans.

HRD notified (via letter) all candidates that their names appeared on Certification No. 01170 and instructed them to sign the Certification as willing to accept appointment if they were interested in the position.

Mr. Honan did not receive the above-referenced vacancy notice because HRD did not include the apartment number that Mr. Honan listed in the field "Address 2". According to HRD, this error occurred due to a "data migration error" regarding a new automated system.¹

As a result of this error, Mr. Honan never signed the Certification as willing to accept appointment and was never considered for the position of Quincy Police Officer, which has been his life-long desire. Further, based on his non-consideration, he recently committed to re-enlist in the United States Coast Guard for three (3) years. He begins that re-enlistment in San Diego, California on July 1, 2014.

Since Mr. Honan's rights have been prejudiced through no fault of his own, HRD petitioned the Commission and asked that Mr. Honan's name be placed at the top of the next Certification for the position of police officer in Quincy. I do not believe this relief is sufficient.

As outlined at the pre-hearing conference on March 25, 2014, which was attended by Mr. Honan, counsel for the City and counsel for HRD, the Commission, pursuant to its authority under Chapter 310 of the Acts of 1993, hereby orders the following:

¹ I asked HRD to determine if any other similarly situated individuals warrant similar consideration. HRD agreed to review its records and determine whether any other notices were returned as undeliverable due to this data migration error that apparently eliminated the "Address 2" information on the mailed notices.

- Forthwith, HRD shall revive Certification No. 01170 for the sole purpose of allowing Mr. Honan to sign the Certification as willing to accept appointment as a Quincy police officer.
- Upon the reviving of this Certification, HRD shall notify Mr. Honan of his opportunity to sign the Certification as willing to accept employment;
- Upon Mr. Honan signing the Certification, Quincy shall, forthwith, complete a review of Mr. Honan's application and provide him with the same consideration as all other candidates considered on Certification No. 01170 and determine whether Mr. Honan should be appointed² or bypassed. Said review shall be completed no later than June 1, 2014.
- In the event that Mr. Honan is appointed, Quincy shall comply with all laws and rules regarding active military duty candidates to ensure that his position is available upon his completion of active military duty.
- Should Mr. Honan be appointed, he shall receive a retroactive civil service seniority date the same as those appointed from Certification No. 01170.

This retroactive seniority date is not intended to provide Mr. Honan with any additional and/or retroactive compensation or benefits including creditable service toward retirement.

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell and Stein, Commissioners) on April 3, 2014.

A True Record. Attest:

Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(1), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision.

Notice to:
Ian Honan (Appellant)
Andrew Levrault, Esq. (for HRD)
Janet Petkun, Esq. (for City of Quincy)

² According to HRD, Quincy subsequently requested authorization to appoint twenty-four (24) as opposed to eighteen (18) candidates.